

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOE HAND PROMOTIONS INC.,

Plaintiff,

v.

Case No. 13-C-1422

LUIS MORALES, et al.,

Defendants.

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**ORDER**

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Plaintiff has requested that the clerk enter default in light of the Defendants' failure to appear in this action within the allotted time. The clerk has not done so, noting that the summons returned executed were not signed by a clerk. The case thus appears to be at a standstill.

Fed.R.Civ.P. 4 sets forth the procedure by which a court obtains personal jurisdiction over the defendant. Rule 4(a) specifically provides that "[t]he summons shall be signed by the Clerk, [and] under the seal of the court." "Requiring the Clerk to sign and issue the summons assures the defendant that the process is valid and enables the Clerk to collect whatever filing fees are required. . . . A summons which is not signed and sealed by the Clerk of the Court does not confer personal jurisdiction over the defendant." *Ayres v. Jacobs & Crumplar, P.A.*, 99 F.3d 565, 569 (3d Cir. 1996). Accordingly, service was not properly accomplished in this action.

Plaintiff is hereby granted an extension of time until September 12, 2014, in which it may obtain proper service. Failing that, the case will be dismissed.

**SO ORDERED.**

Dated this 21st day of August, 2014.

/s William C. Griesbach  
William C. Griesbach, Chief Judge  
United States District Court